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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/805,227   | 03/14/2001  | Kazuo Yoshikawa      | KAW-249-USAP        | 8557             |
| 7590 07/08/2004  |             |                      | EXAMINER            |                  |
| Ronald R. Snider<br>Snider & Associates<br>P.O. Box 27613<br>Washington, DC 20038-7613 |             |                      | YODER III, CHRISS S |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2612                | 6                |
| DATE MAILED: 07/08/2004  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/805,227

Applicant(s)

YOSHIKAWA, KAZUO

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

1. The specification states "replaced with another *filer*" on page 2, line 6. The examiner believes this should read, "replaced with another *filter*".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. Claim 1, rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "*said* photographing conditions" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim.
4. The examiner believes that this should read "a photographing condition," and the claim will be examined as understood by the examiner.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masson (US Patent # 4,249,204) in view of Morofuji (US Patent # 6,343,188).

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6. As stated in the MPEP § 2111.02 (please see also *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 – CCPA 1951), the preamble of the claim neither recites the limitations of the claim nor is the preamble necessary to give life, meaning, and vitality to the claim, therefore, the preamble is not served to further define the structure of the claim.

7. In regard to claim 1, note Masson discloses the use of a means for correcting a shift in focal point caused by longitudinal chromatic aberration (column 1, lines 41-57; and figure 1), the device comprising a variable-thickness optical filter (figure 1: 2; when the actuators, 7a -7b, move the plates of device 2, the thickness is adjusted) interposed between a photographing lens system (1) and said image pickup device (column 1, lines 57-62; column 4, lines 35-47), an actuator for changing the thickness of said variable-thickness optical filter (figure 1: 7a and 7b), and a thickness control means for controlling said actuator (column 6, lines 46-48). Therefore, it can be seen that the Masson device lacks the use of the memory for storing a correlation table defining the correlation between said photographing conditions and the thickness of said variable-thickness optical filter, and the thickness control means controls said actuator on the basis of said memory. Morofuji discloses the use of a memory storing a correlation table defining the correlation between a photographing conditions and the thickness of a variable angle prism (column 15, lines 33-39). Morofuji also teaches a thickness control means for controlling an actuator on the basis of said memory (column 15, lines 40-45). Morofuji teaches that the use of a memory for storing a correlation table defining the correlation between a photographing conditions and the thickness of

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said angle prism is preferred in order to correct the error and to operate the device at optimum characteristics (column 15, lines 45-47). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Masson device to include the use of a memory for storing a correlation table in order to correct the error and to operate the device at optimum characteristics, as suggested by Morofuji.

8. In regard to claim 2, note Masson discloses the use of a variable-thickness optical filter that is formed from two wedge-shaped prisms combined together to form a parallel-plane plate, and the overall thickness of said variable-thickness optical filter can be changed, by means of moving said prisms in opposite directions while oblique lines of said prisms remain in contact with each other (figure 1: 2).

9. In regard to claim 3, note Morofuji discloses that the variable-thickness optics are constructed such that the overall thickness of said variable-thickness optical filter can be changed by means of shifting liquid filled in the space defined between the two parallel plates (column 73, lines 49-56; and figures 8-9, the thickness is adjusted as in figure 9).

10. In regard to claim 4, note Masson discloses that the photographing conditions correspond to a focal point (column 4, lines 17-27) and Morofuji also discloses that the photographing conditions correspond to a focal point (column 13, lines 15-24; the offset that is stored is considered to be the offset of the focal point of the input image).

11. In regard to claim 5, note Masson discloses that the photographing lens is a zoom lens (column 1, lines 54-57).

12. In regard to claim 6, note the primary reference of Masson in view of Morofuji discloses the limitations as claimed in claim 1. Therefore, it can be seen that Masson in

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view of Morofuji lacks the use of a fixed-focus lens as the photographing lens. Official Notice is taken that the concept and the advantages of using of a fixed-focus lens as the photographing lens are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the image pickup device taught in Masson in view of Morofuji to include the use of a fixed-focus lens as the photographing lens in order to give the user the simplicity of a "point and shoot" camera system.

13. In regard to claim 7, note although Masson does not explicitly disclose that the image pickup device is a monitoring camera, this is merely an intended use and any camera can be used as a monitoring camera.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006249312B1: note the use of two parallel plates that are liquid filled to the adjust thickness of the filter between a lens and an image sensor.

US005661597A: note the use of two parallel plates that are liquid filled to the adjust thickness of the filter.

US006115121A: note the use of two wedges shaped prisms that slide against each other to adjust focal length.

US006344874B1: note the use of an image sensor that has a sensitivity range from the visible spectrum to the infrared spectrum.

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US006396534B1: note the use of a camera as a monitoring camera for surveillance.

US004084179: note the use of two wedges shaped prisms placed against each other.

US004164752: note the use of two wedges shaped prisms that slide against each other to adjust focal length.

US005047847 note the use of two parallel plates that are liquid filled to the adjust thickness of the filter.

US004480269: note the use of a filter between the lens system and the imaging device that changes width according to an electric signal.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY  
June 15, 2004

  
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